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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,280	03/29/2004	Seung-Min Park	678-1280 (P11401)	2265
28249	7590	05/03/2006	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			BROUSSARD, COREY M	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/812,280

Applicant(s)

PARK ET AL.

Examiner

Corey M. Broussard

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Finality

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The written description does not have support for the limitation that "only a rear section of the lower portion of the cradle housing is retractable within and protractible out from the desk-top housing." The disclosure supports the limitation that said rear section is retractable, but not that *only* said rear section is retractable. The drawings appear to demonstrate that multiple sides of the cradle housing are retractable. Also there is a lack of literal bias in the description to support the limitation. See MPEP 2173.05(i)

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4. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation that the lower portion is retractable within and protractible out from of claim 1 and the limitation that only the rear portion of said lower portion is retractable within and protractible out from of claim 8 cannot coexist. It is impossible for the portions of said lower portion other than said rear portion to both be retractable, and be incapable of being retractable. Dependant claims do not replace the limitations of the parent claim(s). See 37 CFR 1.75 (c): "Claims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim."

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim limitations contradict the limitations of the parent claim, see ¶ 4 above.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3, 5, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morikawa et al. (PN 5,528,285) in view of Jacobsen et al. (PN 6,73,034). With respect to claim 1, Morikawa teaches a cradle (2150) for a portable terminal (2100) comprising: a desk-top housing (2150); having a recess (2151a) for cradling the portable terminal (see Fig. 38). Morikawa lacks teaching of a retractable and protractible optical system. Jacobsen teaches a cradle housing (286) for a portable terminal (250, see Fig. 10A), and an optical system (306) mounted within the cradle housing and emitting a beam in a predetermined direction wherein the beam projects information from the portable terminal cradled within the cradle housing (col 12, 32-35). In combination the cradle housing of Jacobsen is mounted in the desk-top housing such that a lower portion (portion of Jacobsen supporting 306 and 305) is retractable within when inserted into the recess 2151a and protractible out from when removed from the recess 2151a of the desk-top housing 2150 of Morikawa. The communication mean between the terminal and desk-top housing would take the form of wireless means disclosed in previously cited Vossler (PN 6,104,606) or Dickie (US Pub 2003/0041206) or by any other wired or wireless means known in the art. It would have been obvious to a person of ordinary skill in the art to combine the desk-top portable terminal support housing of Morikawa with the display cradle system of Jacobsen for the benefit of a more lightweight and compact portable terminal with display support.

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9. With respect to claim 3, Morikawa teaches wherein the desk-top housing (2150) comprises a display unit (2156), at least one key (2155, 2152) disposed adjacent to the display unit, and at least one lamp disposed adjacent to the key and the display unit (col 37, 18-20 teaches a power indicator 1160 located on the desk-top housing).

10. With respect to claim 5, Jacobsen teaches wherein the optical system (306) is mounted within a side of the lower portion of the cradle housing (see Fig. 10A).

11. With respect to claim 6, in the device as applied to claim 1 above the optical system is concealed in the desk-top housing when the cradle housing is retracted within the desk-top housing (the housing 306 is within the lower portion of 286 which is concealed by the lower portion of 2151a) and is exposed when the cradle housing is protracted out from the desk-top housing.

12. With respect to claim 8 as best as it can be understood, in the device as applied to claim 1 the lower portion of 2151a conceals a lower rear portion of the portable terminal.

13. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morikawa et al. (PN 5,528,285) in view of Jacobsen et al. (PN 6,73,034) as applied to claim 1 above, and further in view of Kapellner et al. (US Pub 2004/0239880). Kapellner teaches a micro display device having a laser beam projector (see [0048]) for portable terminals (see [0075]). It would have been obvious to a person of ordinary skill in the art to combine the laser projection display of Kapellner with the cradle and terminal of Morikawa as modified by Jacobsen for the benefit of a compact, lightweight, and energy efficient display.

14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morikawa et al. (PN 5,528,285) in view of Jacobsen et al. (PN 6,73,034) as applied to claim 1 above, and further in view of Oyagi et al. (US Pub 2004/0110544). Oyagi teaches a cradle where the cradle housing (31) is rotatably mounted in the desk-top housing (31, see [0044]). It would have been obvious to a person of ordinary skill in the art to take the suggestion of Oyagi of a rotatable cradle housing and modify the desk-top housing of Morikawa so that the recess 2151a was rotatable with respect to the base of the desk-top housing 2150 for the benefit of the ability to orient the portable terminal to the user when retracted in the desk-top housing.

Response to Arguments

15. Applicant's arguments, see Amendment after non-final, filed January 23, 2006, with respect to the rejections of claims 1-8 under 102(a) and 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new grounds of rejection is made in view of Morikawa et al. (PN 5,528,285) in view of Jacobsen et al. (PN 6,73,034), Oyagi et al. (US Pub 2004/0110544), and Kapellner et al. (US Pub 2004/0239880).

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Janssen et al. (PN 6,983,144) teaching a known adapter connector between a portable terminal and a cradle.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey M. Broussard whose telephone number is 571 272 2799. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Lisa Lea-Edmonds
LISA LEA-EDMONDS
PRIMARY EXAMINER